THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.20601 OF 2005

Dated 20th September 2005

Between:

Kolasani Subba Rao S/o.Tirupathi Rayudu,

R/o.Annaparru, Pedanandipadu Mandal,

Guntur District.

…Petitioner

And

The Commissioner of Endowments, Department of

Endowments, Tilak Road, Hyderabad & others

…Respondents

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O R D E R:

The petitioner is functioning as watchman in Govada Group Temples, Govada village, Guntur District. His grievance is that he is not being extended the scale of pay. On earlier occasion, he filed W.P.No.19829 of 2004, seeking a declaration that the inaction of the respondents therein, in not implementing the proceedings dated 30.4.2002, is illegal and arbitrary. The proceedings dated 30.4.2002 are said to have been issued by the Commissioner of Endowments, the first respondent herein, requiring the temple authorities to extend the scales of pay.

The writ petition was disposed of on 5.11.2004, with a direction to the respondents to examine the question, as to whether the petitioner is entitled for the 1999 revised pay scales. In obedience to the said directions, the Deputy Commissioner, Endowments, the second respondent herein, passed orders dated 18.12.2004, pointing out that the incumbent two temples, i.e. respondents 4 and 5, where he worked earlier, cannot permit grant of relief to the petitioner. The petitioner challenges the same.

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and learned Standing Counsel for respondents 4 and 6.

The place of the employees in the temples or group of temples, as the case may be, in the State, appears to be as uncertain, as it could be. Basically, an employee is to be borne on the rolls of the employer, whether it is an individual temple or group of temples. The question of the Government exercising rights of posting of such employees, from one place to another, would arise, if only they are the employees of the department. Indiscriminate transfers and postings have resulted in heavy burden to some temples, and it became very handy for many, be it those who posted them and those who were posted. The Government itself framed a rule to the effect that the establishment charges towards salaries etc. shall not exceed 30% of the income of a temple. Such indiscriminate postings have resulted in deviation from the ceiling.

It is rather difficult to determine, as to whose employee the petitioner exactly is. To be on safe side, he made the claim against as many as three temples. It so happened that the income of the three temples is so meager that it does not permit extension of the relief to the petitioner. Such an extension would result depletion of the limited resources substantially, and a situation would emerge, as though the temples have to function only to derive income to meet the claims of the employees. Such a situation cannot be said to be in the contemplation of the whole scheme of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. This Court is not inclined to grant any relief to the petitioner. It is, however, made clear that the petitioner can make his claim only against the temple, or establishment, in which he was initially appointed. The request in this regard can be

acceded to, if only the resources of that temple permit the extension of the benefit to the petitioner. The second respondent shall pass appropriate orders, as to the posting of the petitioner, within a period of one month from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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20th September 2005

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